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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92051532
Party	Plaintiff PictureCode, LLC
Correspondence Address	Katherine Klammer Madianos 3606 Enfield Road Austin, TX 78703 UNITED STATES katherine@madianoslaw.com
Submission	Other Motions/Papers
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Signature	/Katherine K Madianos/
Date	10/05/2009
Attachments	LettertoTTABreDigitalNinjaRequesttoAmend.pdf (1 page)(14461 bytes)

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October 5, 2009

Frances S. Wolfson
Interlocutory Attorney
Trademark Trial and Appeals Board

RE: Cancellation Proceeding Number 92051532

Dear Ms. Wolfson,

As we discussed on the phone earlier today, I represent Picture Code, LLC, Petitioner in the above-mentioned Cancellation Proceeding. It has come to my attention that the Registrant in the above referenced Cancellation Proceeding filed a Section 7 Request to Amend its DIGITAL NINJA registration (Reg. No. 3,321,797) with the PTO via TEAS, immediately following institution of the cancellation proceeding. As this Request to Amend was improperly filed with the PTO after the cancellation proceeding was instituted, I want to ensure that the TTAB is aware of the Request to Amend so that it can be handled appropriately.

I have also spoken with Sharon Granata, a supervisor at the PTO's Post-Registration division, regarding the Request to Amend. Sharon has assigned a specific examiner to handle the Request and has informed the examiner of the pending cancellation proceeding. She has indicated that the examiner will issue an office action refusing the amendment and referring Registrant to the TTAB.

Please note that should the TTAB elect to consider Registrant's Section 7 Request to Amend as a motion for amendment, or should Registrant file an actual motion with the TTAB Requesting to Amend its DIGITAL NINJA registration, Picture Code, LLC reserves the right to respond substantively to such motion to the extent allowed under the Trademark Rules.

Thank you for your prompt response to my call this morning. Please do not hesitate to contact me should you need any additional information. I can be reached at the phone number or email address listed above.

Regards,

/Katherine K. Madianos/

Katherine Klammer Madianos, Esq.
Attorney for Picture Code, LLC
California and Texas bar member

katherine klammer madianos, esq.